

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 9, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department 15: (530) 406-6942

TENTATIVE RULING

Case: County Fair Fashion Mall, LLC v. Davies
Case No. CV CV 08-3330

Hearing Date: **December 9, 2009** **Department Fifteen** **9:00 a.m.**

Defendant's unopposed motion for a jury trial is **GRANTED**. (Code Civ. Proc., § 631.) The trial and trial readiness conference dates are **VACATED**. A further Case Management Conference is set for Thursday, January 7, 2010, at 1:30 p.m. in Department Ten (275 First Street, Woodland, California) so that new dates may be set.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Herrmann v. Atria Covell Gardens
Case No. CV PO 09-1954

Hearing Date: **December 9, 2009** **Department Fifteen** **9:00 a.m.**

Defendant's demurrer to Plaintiff's complaint is **SUSTAINED WITH LEAVE TO AMEND**. (Lab. Code, §§ 3602, subd. (d) and 3706.) Plaintiff stated facts sufficient to show an exception to the Workers' Compensation Act's exclusivity rule, that is that Defendant failed to secure compensation under the Workers' Compensation Act for the injuries Plaintiff suffered while at work. (Complaint ¶ 15.) However, Plaintiff failed to attach the alleged cause of action for premises liability to her complaint. (Complaint ¶ 10e.)

If no hearing is requested, this tentative ruling is effective immediately. Defendant shall serve a copy of the tentative ruling on Plaintiff by December 11, 2009. Defendant is also directed to include an advisement of the tentative ruling system currently in place at Yolo Superior Court in the notice of any of its future law and motion filings. (Super. Ct. Yolo County, Local Rules, rule 11.4.)